

13325. Adulteration and misbranding of tomato sauce. U. S. v. 50 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19369. I. S. No. 13316-v. S. No. E-5045.)

On December 8, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of tomato sauce. at Jersey City, N. J., alleging that the article had been shipped by the Greco Canning Co., San Francisco, Calif., on or about November 7, 1924, and transported from the State of California into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Sauce Packed By Greco Canning Co. San Jose * * * Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored tomato sauce, had been substituted wholly or in part for the said article.

It was further alleged in the libel that the article was misbranded, in that the failure to declare the presence of artificial color was false and misleading and deceived and misled the purchaser.

On February 18, 1925, the Greco Canning Co., San Jose, Calif., having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department by pasting a sticker bearing the words "Artificially Colored" on both panels of the can label.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13326. Adulteration and misbranding of codeine phosphate tablets, codeine sulphate tablets, morphine sulphate tablets, and strychnine sulphate tablets. U. S. v. the Tilden Co. Plea of guilty. Fine, \$500. (F. & D. No. 19008. I. S. Nos. 5323-v, 7352-v, 7356-v, 18106-v, 18107-v.)

On January 7, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tilden Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about October 23, 1923, from the State of Missouri into the State of Kansas, of a quantity of codeine phosphate tablets, on or about November 15, 1923, from the State of Missouri into the State of Louisiana, of quantities of codeine sulphate tablets and of strychnine sulphate tablets, and on or about December 4, 1923, from the State of Missouri into the State of Ohio, of quantities of morphine sulphate tablets and codeine sulphate tablets, respectively, which were adulterated and misbranded. The respective articles were labeled in part: "H. T. Codeine Phosphate 1-2 Gr."; "Hypodermic Tablets Codeine Sulphate 1-2 Gr."; "Hypodermic Tablets Morphine Sulphate 1-2 Gr."; or "Tablet Triturates Strychnine Sulphate 1-30 Gr.," as the case might be, and "Manufactured by The Tilden Co. Pharmacists-Chemists New Lebanon, N. Y. St. Louis, Mo."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The two consignments of codeine sulphate tablets contained averages of not more than 0.396 grain and 0.401 grain of codeine sulphate each; the morphine sulphate tablets examined contained an average of not more than 0.356 grain of morphine sulphate each, the strychnine sulphate tablets examined contained an average of not more than 0.0291 grain of strychnine sulphate each, and the alleged codeine phosphate tablets examined contained no codeine phosphate but did contain an average of not more than 0.39 grain of codeine sulphate each.

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the respective statements, to wit, "H. T. Codeine Phosphate 1-2 Gr.," "100 Hypodermic Tablets Codeine Sulphate 1-2 Gr.," "100 Hypodermic Tablets Morphine Sulphate 1-2 Gr.," "100 Tablet Triturates Strychnine Sulphate 1-30 Gr.," borne on the labels of the bottles containing the articles, were false and misleading, since the said state-